

Message Text

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AMEMBASSY BUCHAREST
AMEMBASSY BELGRADE
AMEMBASSY SOFIA

C O N F I D E N T I A L SECTION 1 OF 2 WARSAW 3434

EO 11652GDS
TAGS: PFOR, PINT, CVIS, SHUM, PL
SUBJ: A NEW IMMIGRATION ACT - A VIEW FROM A COMMUNIST COUNTRY

1. SUMMARY: THE IMMIGRATION AND NATIONALITY ACT OF 1952 CAN BE STRETCHED NO FURTHER TO FIT THE ALTERED CIRCUMSTANCES OF EAST-WEST RELATIONS. THE DELAYS WE NOW EXPERIENCE FOR WAIVERS OF PRESUMED OR ADMITTED COMMUNIST PARTY MEMBERSHIP CONTRADICT OUR CALLS FOR INCREASED FREEDOM OF MOVEMENT, AND THE REQUIREMENT THAT WE WEED OUT POTENTIAL ILLEGAL WORKERS FORCES US TO REFUSE THOUSANDS OF TOURIST VISAS, WHILE AT THE SAME TIME PRESSING THE POLISH GOVERNMENT TO LOOSEN ITS RESTRICTION ON TRAVEL. WE SHOULD MAKE IT MORE DIFFICULT TO WORK ILLEGALLY IN THE US. RATHER THAN ATTEMPTING TO READ MINDS OVERSEAS, AND WE SHOULD END MOST RESTRICTIONS ON VISA ISSUANCE TO COMMUNIST PARTY MEMBERS. END SUMMARY

2. INTRODUCTION: WE UNDERSTAND THAT THE ILLEGAL ALIEN PROBLEM IS UN-CONFIDENTIAL

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DER REVIEW AT THE HIGHEST LEVELS IN WASHINGTON. WE WOULD LIKE TO OFFER OUR PERSPECTIVE ON THE PROBLEM, ALONG WITH SOME SUGGESTIONS FOR CHANGES IN ANY NEW IMMIGRATION LAW.

3. THE GENERALLY GOOD BILATERAL RELATIONS WE ENJOY WITH POLAND AND THE ETHNIC BOND BETWEEN MILLIONS OF OUR PEOPLES HAVE LED TO A GREAT INCREASE IN TRAVEL TO POLAND--APPROXIMATELY 50,000 AMERICANS

CAME HERE IN 1976. THE GIEREK REGIME HAS RELAXED RESTRICTIONS ON TRAVEL BY POLES, AND IN 1976 SOME 20,000 POLISH VISITORS WENT TO THE US. THE BENEFITS FOR THE US ARE NOT QUANTIFIABLE, BUT ARE SIGNIFICANT

4. THE RELATIVELY MODERATE GIEREK REGIME VALUES HIGHLY ITS GOOD RELATIONS WITH THE US. AMONG OTHER THINGS, RECOGNITION OF THE POLISH PEOPLE'S AFFECTION FOR AMERICAN GAINS THE GOVERNMENT AND PARTY A MEASURE OF LEGITIMACY. IT ALSO BRINGS TANGIBLE ECONOMIC BENEFITS TO A LEADERSHIP BENT ON ACHIEVING RAPID INDUSTRIALIZATION AND HIGHER LIVING STANDARDS.

5. THE COMMITMENT OF BOTH THE US AND POLISH GOVERNMENTS TO IMPROVED RELATIONS IN GENERAL AND INCREASED TOURISM IN PARTICULAR HAS BEEN EXPRESSED AT THE HIGHEST LEVELS, MOST RECENTLY IN THE COMMUNIQUE ISSUED AT THE CONCLUSION OF PRESIDENT FORD'S VISIT TO WARSAW IN JULY, 1975. MOREOVER, BOTH COUNTRIES ENDORSED A FREER FLOW OF VISITORS IN THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE IN HELSINKI IN 1975.

6. GIVEN THESE UNDERTAKINGS AND CONSIDERING HOW OFTEN WE CITE THEM IN AN ATTEMPT TO ENCOURAGE A MORE LIBERAL EMIGRATION AND TRAVEL POLICY ON THE PART OF EASTERN EUROPEAN COUNTRIES, OUR OWN PRACTICES LEAVE US OPEN TO CHARGES OF INCONSISTENCY AND HYPOCRISY. WE ARE ASKED WHY WE TREAT POLISH VISITORS TO OUR COUNTRY AS IF MOST OF THEM WERE EITHER INTELLIGENCE AGENTS OR WETBACKS. OUR TRADITIONAL ANSWER, THAT US LAW BARS THE ENTRY OF REAL OR SUSPECTED COMMUNISTS AND ASSUMES THAT ALL VISA APPLICANTS ARE INTENDING IMMIGRANTS UNTIL THEY PROVE THE CONTRARY, IS NO LONGER CONFIDENTIAL

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ADEQUATE.

7. NO ONE CAN OBJECT TO OUR DESIRE TO CONTROL ACCESS TO OUR LABOR MARKET AND TO KEEP OUT AGENTS OF VIOLENCE. THE DIFFICULTIES ARISE FROM THE PRESUMPTION IN THE LAW THAT ALL APPLICANTS ARE INTENDING IMMIGRANTS AND THAT ALL MEMBERS OF THE COMMUNIST PARTY ARE INTENT ON SUBVERSION. THE LAW NOT ONLY PLACES AN UNFAIR BURDEN ON VISA APPLICANTS, BUT ALSO ARM OUR CRITICS WITH ARGUMENTS THAT WE ARE MOTIVATED BY IRRATIONAL ANTI-COMMUNISM.

8. ENTRY OF COMMUNISTS: WE HAVE STRETCHED AND BENT THE INA TO ISSUE NONIMMIGRANT VISAS AS QUICKLY AND SIMPLY AS POSSIBLE TO EASTERN EUROPEAN BUSINESS AND OFFICIAL TRAVELERS;823 ,3;345#3)3 43:94\$ 8, 974 FILES THEIR PERMANENT INELIGIBILITY UNDER SECTION 212(A)(28) OF THE LAW.

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WHAT MORE IS NECESSARY? THERE ARE IN POLAND 4.5 MILLION MEMBERS OF THE PZPR (COMMUNIST PARTY) AND RELATED ORGANIZATIONS. THE VAST MAJORITY OF THESE PEOPLE ARE NOT IDEOLOGICALLY COMMITTED TO MARXISM-LENINISM AND CERTAINLY FEEL NO ANIMOSITY TOWARD THE US. THEIR SUPPORT OF THE PARTY AND, INDIRECTLY, OF SOVIET FOREIGN-POLICY AIMR IS CONTRATY TO OUR NATIONAL INTEREST, BUT DECLARING THEM ANATHEMA IS SHORT-SIGHTED AND OFTEN COUNTER-PRODUCTIVE. THE EVOLUTION IN OUR POLICIES HAS BROUGHT US TO THE EXTREME OF CONSIDERING ALL BUSINESS AND OFFICIAL TRAVELERS FROM POLAND TO BE PRESUMED INELIGIBLE COMMUNISTS. WAIVERS OF THEIR PRESUMED INELIGIBILITY ARE OBTAINED FROM THE ATTORNEY GENERAL'S DESIGNEE WITHOUT EVEN INTERVIEWING THEM. FROM WARSAW ALONE, AN AVERAGE OF THREE HUNDRED TELEGRAMS A MONTH ARE SENT TO OBTAIN WAIVERS OFVISA INELIGIBILITY. MOUNTAINS OF FORMS ARE SHUFFLED TO COMPLY WITH WAIVER REGULATIONS. DESPITE OUR EFFORTS TO DO THIS QUIETLY, BOTH PRIVATE PERSONS AND GOVERNMENT OFFICIALS KNOW, AND COMPLAIN, ABOUT WHAT THEY CONSIDER THE POLITICIZATION OF VISAS. THE POLISH MINISTRY OF FOREIGN
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AFFAIRS REPEATEDLY POINTS TO THE ABSENCE OF ANY POLITICAL QUESTIONS ON THEIR VISA-APPLICATION FORMS AND EXPRESSES WONDER AT THE NEED TO ASK ALL WHO APPLY PERSONALLY IF THEY ARE COMMUNISTS--PARTIU-

LARLY SINCE ALL CAN BE ISSUED VISAS, PARTY MEMBERS BEING ONLY DELAYED WHILE WAIVERS ARE OBTAINED. THE PROCESS IS EXPENSIVE, WASTEFUL OF HARD-PRESSED CONSULAR RESOURCES, AND OFFENSIVE TO VISA APPLICANTS.

9. ILLEGAL EMPLOYMENT: CONSCIENTIOUS VISA OFFICERS TRY TO DETECT THE INTENTIONS OF TOURIST VISA APPLICANTS BY READING THEIR APPLICATIONS AND CONVERSING WITH THEM DIRECTLY. EXPERIENCE HAS SHOWN THAT EVEN LONG-TERM WAGE EARNERS IN POLAND WITH FULL FAMILY AND PROPERTY TIES ARE WILLING TO DROP EVERYTHING FOR A CHANCE TO WORK IN THE US AND RETURN TO POLAND WITH A SIGNIFICANT STAKE OF DOLLARS. EVEN IN COUNTRIES WHERE EVIDENCE OF FINANCIAL ABILITY TO PAY THE COST OF INTERNATIONAL TOURISM IS AVAILABLE, IT HAS PROVEN IMPOSSIBLE TO SEPARATE BONA-FIDE FROM NON-BONA-FIDE TOURISTS. WHAT, THEN, ARE WE TO DO IN POLAND, WHERE THE GOVERNMENT WILL NOT PERMIT THE PURCHASE OF SUBSTANTIAL AMOUNTS OF HARD CURRENCIES? IN WARSAW, POZNAN AND KRAKOW LAST YEAR, WE ISSUED APPROXIMATELY 17,000 TOURIST (B-2) VISAS. A MAJORITY OF THE RECIPIENTS LEFT POLAND WITH LITTLE, IF ANY, CONVERTIBLE CURRENCY. AFTER SPENDING 4-8 MONTHS AVERAGE WAGES FOR A ROUND-TRIP TICKET TO THE US, THEY OFTEN ARRIVE PENNYLESS AT THE HOMES OF THEIR AMERICAN RELATIVES, WHERE THEY ARE SURROUNDED BY THE MOST DESIRABLE CONSUMER GOODS AND HIGHLY-VALUED CURRENCY THEY HAVE EVER SEEN. THE CONSEQUENCES ARE OBVIOUS, AS LONG AS ILLEGAL EMPLOYMENT IS SO EASILY OBTAINED AND DEVOID OF PENALTIES.

10. THE ONLY WAY WE COULD AVOID SENDING ANY JOB-HUNTERS TO THE US FROM POLAND WOULD BE TO DENY TOURIST VISAS TO NEARLY ALL PERSONS OF WORKING AGE. THIS WOULD BE UNFAIR, DAMAGING TO IMPORTANT US INTERESTS, AND UNACCEPTABLE TO THE AMERICAN PUBLIC AS WELL.

11. IF ILLEGAL EMPLOYMENT BECOMES DIFFICULT, TOURISM MIGHT DECLINE, BUT WE BELIEVE TIES WITH THE UNITED STATES WOULD STILL BRING US
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THOUSAND OF GENUINE POLISH TOURISTS EACH YEAR. CERTAINLY THE REMOVAL OF VISA REFUSALS AS AN IRRITANT IN OUR BILATERAL RELATIONS WOULD BE A VALUABLE BY-PRODUCT OF AN EFFECTIVE SOLUTION TO THE ILLEGAL ALIEN PROBLEM.

12. CONCLUSION: THE PRINCIPAL FOCUS OF ANY REVIEW OF OUR IMMIGRATION LAWS MUST BE UPON THE ENORMOUS PROBLEM OF ILLEGAL ALIEN WORKERS. IN SEARCHING FOR A SOLUTION, WE HOPE THAT THE PECULIAR CIRCUMSTANCES AND FOREIGN-POLISH IMPERATIVES IN POLAND ARE NOT OVERLOOKED. WE MUST, IF AT ALL POSSIBLE, STRENGTHEN OUR POSITION ON FREEDOM OF MOVEMENT ACROSS NATIONAL BOUNDARIES. THE REUNIFICATION OF DIVIDED FAMILIES HAS BECOME THE MOST IMPORTANT ISSUE IN POLISH-AMERICAN RELATIONS. ANY CHANGES IN OUR IMMIGRATION LAW WHICH WILL SIMPLIFY AND RELAX OUR RESTRICTIONS ON THE ENTRY OF FOREIGNERS COULD HELP OUR HUMAN-RIGHTS EFFORTS IN EASTERN

EUROPE.

DAVIES

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